IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13050 of 2005

Between:

R.Illaiah, S/o.Mallaiah,
R/o.Janwada Village, Shankarapally Mandal, RR.district.

..... PETITIONER

AND

1 The Collector, (Panchayat Wing), RR.District.
2 The Govt of A.P, Rep by its Prl.Secretrary,
Panchayat Raj, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus or any appropriate writ declaring the action of the 1st respondent in issuing the impugned proceedings bearing No; B2/4785/04 dt.26-05-05 as illegal, arbitrary and in Violation of Principles of Natural Justice and consequently prayed that this Hon'ble court may be pleased to set-aside the same and pass such other order or further orders.

Counsel for the Petitioner:MR.CH.DHANAMJAYA

Counsel for the Respondents.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER:-

This writ petition is filed to declare the action of first respondent in issuing impugned order dated 26-5-2005 as illegal, arbitrary and in violation of principles of natural justice and consequently set aside the same.

It is stated that the petitioner, who is Sarpanch at Janwada (v), Shankarpally Mandal, Rangareddy District, was removed from the office after conducting enquiry on 26-5-2005 for committing some financial irregularities. The main reason for passing the said order is non-production of concerned records before the Inspecting Officer. Thereafter, a show-cause notice dated 14-3-2005 was issued to him and he submitted his explanation dated 5-5-2005. Thereafter, first respondent passed orders dated 26-5-2005 ordering removal of the petitioner from the Office of Sarpanch, Gram Panchayat, Janwada with effect from 30-6-2005. Aggrieved at the said order, the petitioner preferred appeal before the second respondent along with stay application. The appellate Authority is not considering the appeal or the stay application. Hence, he filed the present writ petition.

Having heard the learned counsel on either side and on perusal of the material, it is seen that the petitioner in his explanation to the show-cause notice he mentioned

that he submitted the entire record to the Extension Officer, R,D, Sankarapally. Considering the facts and in the circumstances, as the appeal is pending consideration before the appellate authority, I deem it appropriate to direct the appellate authority to dispose of the appeal.

Accordingly, this writ petition is disposed of at the admission stage itself directing the second respondent-appellate authority to dispose of either the stay petition or the appeal filed by the petitioner before 30-6-2005. If the stay petition or the appeal is not disposed of by 30-6-2005, the petitioner is deemed to be continued in Office.

22—06—2005.

Stv/-

Note: Issue C.C. in two days.

(B,.O)

C.M.

To

1 The Collector, (Panchayat Wing), RR.District.
2 The Prl.Secretrary, Govt of A.P,
Panchayat Raj, Secretariat, Hyderabad.

3 Two C.Cs.to Government Pleader for Panchayat Raj and Rural Development, High Court of A.P., Hyderabad (OUT)

4 Two C.D. Copies.